

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

**AXIAL CORPORATION and  
WESTLAKE CHEMICAL  
CORPORATION,**

**Plaintiffs,**

**vs.**

**Civil Action No.: 19-C-59  
Presiding Judge Wilkes  
Resolution Judges Carl and Nines**

**NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA., *et al.*,**

**Defendants.**

**DAY ORDER FROM NOVEMBER 12, 2019 HEARING**

CAME the parties, in a telephonic status conference held on November 12, 2019, commencing at 2:00 p.m., before the Honorable Christopher C. Wilkes.

1. John M. Sylvester, Paul C. Fuener, David R. Osipovich, and Jeffrey V. Kessler appeared on behalf of the Plaintiffs and Debra T. Varner, James A. Varner, Sr., and Myles Parker appeared on behalf of the Defendants.

2. Conference was had regarding scheduling in this matter, taking into account the writ of prohibition in this matter currently before the West Virginia Supreme Court of Appeals.


3. Counsel stated their plans to discuss whether they can agree on parameters of discovery that can be continued as the issue before the Supreme Court of Appeals is limited and narrow in scope.

4. Counsel stated their intentions to file a motion to lift stay.

5. The status conference was then adjourned.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

Dec. 3rd 2019  
date of entry

  
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JUDGE CHRISTOPHER C. WILKES  
JUDGE OF THE WEST VIRGINIA  
BUSINESS COURT DIVISION

A Copy Teste:

Joseph M. Rucki, Clerk

By Donna Crow Deputy